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1   **STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS**  
2                   **CUMBERLAND SCHOOL COMMITTEE**

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**PROCEEDINGS AT HEARING IN RE:**

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**CUMBERLAND SCHOOL COMMITTEE**

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10                   **Cumberland High School**  
                      **2600 Mendon Road**  
11                   **Cumberland, Rhode Island**  
                      **April 29, 2009**  
12                   **6:30 P.M.**

13

14   **BEFORE:**

15       **DONALD COSTA, CHAIRMAN**  
          **RYAN PEARSON**

16       **BRIAN KELLY**  
          **EARL WOOD**

17

18       **JOSEPH ROTELLA, ESQUIRE**

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21

**ALSO PRESENT: Donna A. Morelle, Ed.D, Superintendent**

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**Lisa Colwell, Director of Special Ed.**

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**(COMMENCED at 6:35 P.M.)**

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**MR. COSTA: I'd like to call the**

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**Cumberland School Committee to order at 6:35.**

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**First on the agenda is approval of the agenda.**

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**MR. WOOD: Second.**

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**MR. COSTA: Motion by Mr. Kelly,**

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**seconded by Mr. Wood. Discussion?**

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**(PAUSE)**

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**MR. COSTA: Hearing none, all in**

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**favor?**

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**(VOICE VOTE)**

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**MR. COSTA: Ayes have it**

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**four/nothing. Next is the public hearing. A**

14

**first reading of the following policies, one,**

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**Affirmative Action Policy 2009/2010. Motion by**

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**Mr. Wood to approve the affirmative action policy**

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**of 2009/2010. Second?**

18 MR. KELLY: Second.  
19 MR. COSTA: Seconded by Mr. Kelly.  
20 MR. ROTELLA: This is just a public  
21 hearing. It's got to go on the next school  
22 committee agenda.  
23 MR. WOOD: Amend my motion to move  
24 this policy as a full committee affirmative action  
25 policy 2009/2010 to the full committee.

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1 MR. COSTA: Motion by Mr. Wood to  
2 move the affirmative action policy 2009/2010 to  
3 the full committee on May 14.

4 MR. KELLY: Second.

5 MR. COSTA: Seconded by Mr. Kelly.

6 MR. KELLY: Mr. Rotella, do we have  
7 to take any action on this?

8 MR. ROTELLA: No.

9 MR. KELLY: We don't have to take the  
10 vote. Just open the public hearing on it.

11 MR. ROTELLA: That's all. That's  
12 all.

13 MR. KELLY: Can we dispense with the  
14 reading, since it's an update on the existing  
15 policy?

16 MR. ROTELLA: Yes. I would suggest

17 on any of the policies we've already taken before  
18 this committee or before the school committee, and  
19 all those policies that are revisions, I would  
20 dispense -- request that the committee dispense  
21 with the reading of the entire policy but only  
22 take those sections of the policies that are being  
23 revised, because there are a number of revisions,  
24 I understand, that took place with some of the  
25 policies.

4

1 MR. COSTA: In subcommittee.

2 MR. KELLY: For that reason, I should  
3 withdraw my second, and Mr. Wood should withdraw  
4 his motion, and we should simply open the hearing,  
5 public hearing on it, on the policy, after you've  
6 read the changes or the proposed changes to the  
7 policy.

8 MR. ROTELLA: Yes. You've already  
9 opened the hearing, I think, at this point in  
10 time. The hearing on the affirmative action  
11 policy is open. If there is anybody here to talk  
12 about it, we would be able to talk about it.

13 MR. KELLY: It says first reading.  
14 We're required to read the changes.

15 MR. PEARSON: I'd like to make a

16 motion to waive the reading.

17 MR. KELLY: I don't think you can  
18 waive the first reading. I think you have to note  
19 what the changes are on the policy.

20 MR. ROTELLA: Correct.

21 MR. KELLY: Mr. Rotella, could you  
22 state what the changes are in the policy, then we  
23 can move forward with the public hearing on it?  
24 Dr. Morelle?

25 SUPERINTENDENT MORELLE: At the

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1 rules and regs subcommittee on April 27th, the  
2 affirmative action plan was approved on a two/zero  
3 vote with no changes.

4 MR. ROTELLA: That's the same policy  
5 that was -- there were only two people there.

6 SUPERINTENDENT MORELLE: There were  
7 only two subcommittee members at the subcommittee  
8 meeting, and there were no changes.

9 MR. COSTA: No changes in the  
10 affirmative action policy?

11 SUPERINTENDENT MORELLE: Correct.

12 MR. COSTA: Anybody from the audience  
13 wish to speak on the affirmative action policy of  
14 2009/2010?

15 (PAUSE)

16 MR. COSTA: Close the public hearing  
17 on that policy. We got the next policy, the food  
18 allergy policy. Mr. Pearson, could you be kind  
19 enough to read the food allergy policy, if this is  
20 the first reading.

21 MR. PEARSON: Yes, the first  
22 policy -- the first reading of this policy is the  
23 student welfare - food allergy, Section JHCG of  
24 the draft, reads as follows:

25 Intent. Cumberland is committed to the

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1 safety and health of all students and employees.  
2 In accordance with this, and pursuant to Rhode  
3 Island General Laws 16-21-31 and 16-21-32, the  
4 purpose of this policy is to provide a safe and  
5 healthy learning environment for students with  
6 food allergies, reduce the likelihood of severe or  
7 potentially life-threatening allergic reactions,  
8 ensure a rapid and effective response in the case  
9 of a severe or potentially life-threatening  
10 allergic reaction, and protect the rights of  
11 food-allergic students to participate in all  
12 school activities.

13 Rationale. The prevalence of food allergies

14 may be increasing, affecting as many as 8 percent  
15 of children nationwide. Food allergies result in  
16 about 30,000 emergency room visits and claim about  
17 150 lives every year with children and young  
18 adults being at greatest risk for having a fatal  
19 reaction. Nearly every school has students who  
20 have this severe, sometimes life-threatening  
21 condition, some of them undiagnosed. Schools are  
22 considered high-risk areas for students with food  
23 allergies, with most incidents of accidental  
24 exposure occurring in schools. While schools may  
25 not be able to totally prevent allergic reactions,

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1 they can dramatically reduce both the likelihood  
2 of such reactions occurring and the severity of  
3 consequences if they do occur. Effective  
4 prevention and treatment plans, proper procedures  
5 and well-trained staff and clear communications  
6 can save lives.

7 The level of sensitivity and the types of  
8 severity of reactions vary considerably among  
9 individuals with food allergies. Therefore, the  
10 school's approach to preventing and treating food  
11 allergies must be tailored to those individuals'  
12 needs. At the same time, an undiagnosed student

may experience an allergic reaction to food for the first time while at school, and any allergic reaction can turn life-threatening. Therefore, the school's approach must be also be comprehensive.

#### Definitions and background information.

Anaphylaxis is an acute allergic reaction that affects more than one system of the body. It is a life-threatening event. If someone exhibits difficulty breathing, a drop of blood pressure or symptoms in more than one body system (cutaneous, respiratory, gastrointestinal or cardiovascular), after possible exposure to allergen, it should be

#### 8

considered anaphylaxis. Medical attention and treatment should be sought immediately.

Emergency Health Care Plan (EHCP) means a set of procedural guidelines that provides specific directions about what to do in a particular emergency situation.

#### Page 2:

Epinephrine (also known as adrenalin), is the treatment of choice to prevent or treat anaphylaxis. It can help reverse the symptoms and prevent progression to other symptoms. It should

be given immediately. A delay in treatment with epinephrine can be fatal.

Epinephrine auto-injector (sometimes called an EpiPen), is a device that is used for the automatic injection of epinephrine into the human body.

Food allergy is an abnormal, adverse reaction to a food that is triggered by the body's immune system. The immune system responds to an otherwise harmless food as if it were harmful, resulting in a release of various chemicals, including histamines. The most common food allergies are to peanuts, tree nuts, milk, soy, eggs, fish, crustacean shellfish and wheat.

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Food allergy symptoms are manifestations of the allergic reaction in various parts of the body. Symptoms may affect:

The cutaneous system (skin inflammation, tingling, itching, hives, rash, swelling of the lips, tongue and/or throat);

The respiratory system (running or stuffy nose, sneezing, coughing, wheezing difficulty breathing);

The gastrointestinal tract (abdominal

cramps, vomiting, diarrhea); and

The cardiovascular system (drop in blood pressure, dizziness, light-headedness, heartbeat irregularities, fainting, shock).

Symptoms can begin immediately upon or up to two hours after exposure to an allergen. Some individuals exhibit initial symptoms followed by a second phase of symptoms two to four hours later. If more than one system is affected, it is considered anaphylaxis.

Individual Health Care Plan (IHCP) means a comprehensive plan for the care of children with special health care needs, including food allergies. IHCPs may include both preventive measures and treatment options.

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### Individual Health Care Plans and Emergency Health Care Plans.

In all schools in Cumberland an Individual Health Care Plan/Emergency Health Care Plan shall be developed for each student identified with any food allergy for which an EpiPen has been prescribed. The school nurse-teacher will develop the IHCP/EHCP in collaboration with the student's health care provider, the parents/guardians of the

student and the student (if appropriate). This shall be done prior to entry into school or immediately thereafter for students previously diagnosed with an allergy; it should be done immediately after the diagnosis for students already enrolled who are newly diagnosed with an allergy. These plans should include both preventative pressures to help avoid accidental exposure to allergens and emergency measures in case of exposure. These plans must be renewed on an individual basis.

Page 3.

Depending on the nature and extent of the student's allergy, the measures listed in the IHCP may include, but are not limited to:

Posting additional signs, (e.g., in classroom

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entryways);

Prohibiting the sale of particular food items in the school;

Designating special tables in the cafeteria;

Prohibiting particular food items from certain classrooms and/or the cafeteria;

Completely prohibiting particular food items from the school or school grounds;

9 Educating school personnel, students and  
10 families about food allergies; and/or;

11 Implementing particular protocols around  
12 cleaning surfaces touched by food products,  
13 washing of hands after eating, et cetera.

14 These measures shall be taken in accordance  
15 with Cumberland School Department's health and  
16 wellness policy and food safety policy.

17 School Protocol. In all schools in the  
18 Cumberland School Department, the principal/school  
19 administrator in coordination with the school  
20 nurse-teacher, shall implement a protocol  
21 consistent with this policy and with the  
22 IHCPs/EHCPs providing food-allergic students with  
23 the protections while they're attending school or  
24 participating in school-sponsored activities. The  
25 protocols shall be reviewed and updated at least

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1 annually, as well as after any serious allergic  
2 reaction has occurred at school or at a  
3 school-sponsored activity.

4 Posting of Signs. In all schools in the  
5 Cumberland School Department signs shall be posted  
6 in a conspicuous place at every point of entry and  
7 within the cafeteria facility, advising that there

8 are students with allergies to peanuts/tree-nuts.  
9 The exact wording of the Food Allergy sign may  
10 vary in accordance with the measures contained  
11 within the students IHCPs and the school protocol.

12 MR. ROTELLA: Mr. Chairman, I will  
13 read the balance of the policy.

14 Staff Training. In all schools in the  
15 Cumberland School Department, the principal/school  
16 administrator and/or school nurse-teacher shall  
17 identify school personnel who might be involved in  
18 managing an emergency in a school, including  
19 anaphylaxis. Training shall be provided for those  
20 personnel on the signs and symptoms of  
21 anaphylactic shock, proper epinephrine  
22 auto-injector administration, adverse reactions,  
23 assessing the 911 emergency medical system and  
24 preparation for movement and transportation of the  
25 students. At all times during normal schools at

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1 the on-site school-sponsored activities, at least  
2 one person other than the certified school  
3 nurse-teacher must be trained and responsible for  
4 the administration of the epinephrine  
5 auto-injector, subject to Good Samaritan  
6 provisions. These personnel shall review

7 emergency protocols on an annual basis.

8 If trained school personnel are not  
9 available, any willing person may administer  
10 the epinephrine auto-injector. Good Samaritan  
11 provisions apply.

12 Communication. In all schools in Cumberland  
13 School Department, the principal/school  
14 administrator shall ensure that all school  
15 employees and other adults, including but not  
16 limited to school nurse-teachers, classroom  
17 teachers, specialty teachers, aides, student  
18 teachers, substitute teachers, food service staff,  
19 custodial staff, playground monitors, coaches and  
20 after-school providers who may be involved in the  
21 care of a student diagnosed with a peanut/tree-nut  
22 allergy shall be informed of the IHCP/EHCP as  
23 appropriate. These individuals should understand  
24 and consistently follow plans and protocols, be  
25 able to recognize symptoms of an allergic

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1 reaction, know what to do in an emergency and work  
2 with other school staff to eliminate the use of  
3 food allergens in the allergic student's snacks  
4 and meals, educational tools, arts and crafts,  
5 projects or other incentives.

6 Parents/caregivers will be informed by the  
7 school about their rights and responsibilities  
8 regarding IHCPs/EHCPs for food-allergic students.  
9 They will be given clear guidance to help them  
10 follow the measures stipulated in these plans (for  
11 example, avoiding peanut/tree-nut based products  
12 and snacks or lunches).

13 The principal/school administrator shall work  
14 with the transportation administrator to ensure  
15 that school buses are equipped with required  
16 communication devices and that drivers are  
17 properly trained to recognize symptoms of allergic  
18 reactions and know what to do in case of an  
19 emergency. A no-eating policy should be enforced,  
20 with appropriate exceptions made to accommodate  
21 diabetic students and others with special needs.

22 Self-Management. In all middle and high  
23 schools in the Cumberland School Department, each  
24 student at risk for anaphylaxis shall be allowed  
25 to carry an epinephrine auto-injector with him/her

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1 at all times, if appropriate. If this is not  
2 appropriate, the epinephrine auto-injector shall  
3 be kept in an unlocked conspicuous place in the  
4 health room and/or other areas where it most

likely would be used with reasonable safeguards in place to ensure its safekeeping. A medically-identified student may self-administer the epinephrine auto-injector, if appropriate.

In all elementary schools in the Cumberland School Department, the epinephrine auto-injector shall be kept in an unlocked conspicuous place in the health room and/or other areas where it is most likely to be used, with reasonable safeguards in place to ensure its safekeeping. A medically-identified student may self-administer the epinephrine auto-injector, if appropriate.

Emergency protocols and standing orders. In all schools in the Cumberland School Department, the school physician shall prepare and update as appropriate, but at least on an annual basis, written emergency protocols and standing orders in the event of injuries and acute illnesses, including anaphylaxis. The school physician shall also review, at least annually, the procedures for addressing incidents of anaphylaxis and the use of

the epinephrine auto-injector. Such procedures must include assessing the community's emergency medical system (i.e., 911), and prompt

4 transportation by a licensed ambulance/rescue  
5 service to an acute-care hospital for medical  
6 evaluation and follow-up. Such procedures must  
7 also stipulate that the epinephrine auto-injector  
8 be used only upon the student for whom it was  
9 prescribed.

10 The school physician shall also issue a  
11 standing order for the administration of an  
12 epinephrine auto-injector by the school nurse for  
13 a student who has not been previously  
14 medically-identified for the prevention or  
15 treatment of anaphylaxis.

16 In the event of an episode of anaphylaxis,  
17 the principal/school administrator shall verbally  
18 notify the student's parents/guardians as soon as  
19 possible or delegate someone to notify them.

20 Following the episode, the school nurse-teacher  
21 shall complete a written report and file it in the  
22 student health record.

23 Confidentiality. Pursuant to Section 504 of  
24 the Rehabilitation Act of 1973, Section 504, the  
25 Family Educational Rights and Privacy Act (FERPA),

1 the Health Insurance Portability and  
2 Accountability Act, 1996 (HIPAA), the Rules and

3 Regulations for School Health Programs  
4 (R16-21-SCHO), and other statutes and regulations,  
5 the confidentiality of students with food  
6 allergies shall be maintained, to the extent  
7 appropriate and as requested by the student's  
8 parents/caregiver.

9 MR. ROTELLA: That's got to be added  
10 to that, "caregiver."

11 Evaluation and Review. This policy shall be  
12 reviewed and updated on an regular basis,  
13 particularly after a serious allergic reaction has  
14 occurred at a school or at a school-sponsored  
15 activity.

16 There are legal references that are in the  
17 policy, legal references are Rhode Island General  
18 Laws Title 16-21-22, Title 16, Chapter 21, Section  
19 26, Title 16, Chapter 1, Title 31, and Chapter 16,  
20 Section 21, Title 32.

21 Rules and regulations for the School Health  
22 Programs (R16-21-SCHO);

23 Americans with Disabilities Act (ADA);

24 Individuals With Disabilities Education  
25 Improvement Act of 2004 (IDEA);

2 (Section 504);

3 Family Educational Rights and Privacy Act  
4 (FERPA);

5 Health Insurance Portability and  
6 Accountability Act of 1996 (HIPAA).

7 The effective date would be when the policy  
8 is passed by the committee. It is being reviewed  
9 by the -- it had been reviewed by the school  
10 committee rules and regulations subcommittee on  
11 4-27-09.

12 MR. COSTA: The first reading, does  
13 that complete the food allergy policy?

14 MR. ROTELLA: Yes, it does.

15 MR. COSTA: Do any members of the  
16 public that wish to speak? Mrs. Wharton.

17 MS. WHARTON: Hi, my name is Margaret  
18 Wharton, I'm the coordinator of nursing services  
19 and health services for Cumberland. I just wanted  
20 to let you know for the school nurse-teachers all  
21 developed this policy over the past few months  
22 under the recommendations of the Rhode Island  
23 Department of Ed, and I just encourage all school  
24 committee members to vote to accept this policy as  
25 presented.

1           **MR. COSTA:** Thank you. Any further  
2       **comments from the public?**

3           **(PAUSE)**

4           **MR. COSTA:** Comments from the school  
5       **committee?**

6           **(PAUSE)**

7           **MR. COSTA:** None.

8           **MR. ROTELLA:** Mr. Chairman, as I read  
9       **in the policy, I believe there is one word that**  
10      **was left out in the paragraph dealing with**  
11      **confidentiality, the last word in the paragraph,**  
12      **it should be requested by the student's**  
13      **parents/caregiver.**

14          **MR. KELLY:** Should it be guardian,  
15      **consistent with the language of the rest of the**  
16      **policy?**

17          **MS. WHARTON:** I'm sorry?

18          **SUPERINTENDENT MORELLE:**  
19      **Mrs. Wharton, could you speak to whether or not**  
20      **there is a reason why caregiver does not have --**  
21      **all policies say parent/guardian?**

22          **MS. WHARTON:** No, I can't. I don't  
23      **see why it shouldn't say guardian.**

24          **SUPERINTENDENT MORELLE:** I would say  
25      **it says parent/guardian consistent with the other**

1 policies. Since we mentioned it for the other  
2 policy, when you opened the public hearing, this  
3 policy was also approved on a two/zero vote  
4 unanimously in the rules and regulations  
5 subcommittee on April 27th.

6 MR. COSTA: Thank you. One other  
7 note, Mr. Rotella, under self-management where it  
8 says, second line from the end, it says, other  
9 areas where it is most likely to be used. To use.

10 MR. ROTELLA: It should be "to be  
11 used," correct.

12 MR. COSTA: So make that change to be  
13 used.

14 MR. ROTELLA: Yes. Very good.

15 MR. COSTA: Okay. That's the first  
16 reading of the food allergy policy. Thank you,  
17 Mrs. Wharton. Next is the fundraising policy.

18 MR. ROTELLA: I believe the  
19 fundraising policy has been reviewed in the past,  
20 I would suggest -- in fact, it has been adopted by  
21 the school committee in 1994 -- 1984, revised by  
22 the school committee in 1988, revised by the  
23 school committee rules and regulations  
24 subcommittee on April 2, 2008, considered for  
25 further revision by the school committee rules and

1 regulations subcommittee on 4-27-09. I would  
2 suggest that we dispense with the reading of the  
3 policy and only take those portions of the policy  
4 that are changed from the original.

5 MR. COSTA: Okay. Do we have a  
6 motion to --

7 MR. ROTELLA: You don't need a  
8 motion.

9 MR. COSTA: Read the changes, Dr.  
10 Morelle.

11 SUPERINTENDENT MORELLE: Thank you.  
12 The first change is an addition to the policy. It  
13 is the third bullet on Page 1, the subcommittee  
14 added the language "Fundraising events must not  
15 interfere with the instructional day as defined by  
16 the regulations of the Rhode Island Board of  
17 Regents."

18 MR. KELLY: I think we just need to  
19 back up a little bit. We did have a couple of  
20 typos.

21 SUPERINTENDENT MORELLE: I didn't  
22 realize you wanted me to mention those.

23 MR. KELLY: In the first paragraph.

24 SUPERINTENDENT MORELLE: Absolutely.

25       The first paragraph, the sentence that ends "does

22

1       no directory relate to the district instructional  
2       goals needs," to be changed to state that "does  
3       not," "no" changed to "not," "directory" changed  
4       to "directly." So the sentence will read, "By  
5       design, such laws address the potential harm of  
6       suggesting students to influential advertisement  
7       campaigns or presenting an expectation that a  
8       student must participate in some financial or  
9       personal way in an activity that does not directly  
10      relate to the district instructional goals."

11      Thank you for that reminder.

12      The next editorial change is in Paragraph 2,  
13      Line 3, the line that begins with the word  
14      "Policy." It should say, "Policy provides an  
15      authorized student group," the word a-n-d, should  
16      be struck and changed to "an," a-n.

17      The next change was the addition that I just  
18      read. The next change was an additional item, the  
19      next line added, "Fundraising, activities must be  
20      consistent with the district's wellness policy  
21      (Cumberland nutrition and physical activity  
22      policy)."

23      In the next bullet, the phrase,

24 "community-based learning," was changed and  
25 substituted, "service learning," to be consistent

23

1 with the programs we have at the high school.

2 On bullet Number 9 at the subcommittee  
3 meeting this was approved on a two/zero vote as  
4 amended and another amendment that was added this  
5 line should now state, "All approved fundraising  
6 must be for the purpose of raising funds for the  
7 Cumberland Public Schools or approved charitable  
8 organizations."

9 When I finish with these changes, I would  
10 like to suggest an option that Mr. Rotella would  
11 like you to substitute for that.

12 The last modification is to the last bullet,  
13 it should now read, "No organization or individual  
14 shall enter into a contract without the prior  
15 authorization of the superintendent/designee."

16 And according to my notes, those amass (sic)  
17 the changes to this policy.

18 MR. COSTA: Those are the changes?

19 SUPERINTENDENT MORELLE: Correct.

20 One of the issues that came up the other evening,  
21 if I can comment on it, was a question about the  
22 language, "Approved charitable organizations." I

23 don't recall which committee member raised it,  
24 Mr. Pearson, and you said does that mean we now  
25 have to have an approved list. So I brought that

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1 notion of intent in language to Mr. Rotella.  
2 Mr. Rotella's suggestion, which you obviously can  
3 feel free to comment on, Mr. Rotella, was the  
4 language be changed to "or charitable  
5 organizations authorized by law."

6 MR. COSTA: By law?

7 SUPERINTENDENT MORELLE: Yes.

8 MR. PEARSON: Yes.

9 MR. ROTELLA: I felt, Mr. Chairman,  
10 when Dr. Morelle and I discussed the amendments  
11 that had been put in place, you know, the question  
12 becomes who is going to make the approved list of  
13 charitable organizations and who is going to do  
14 the legwork on that. I think the onus should be  
15 on the organization itself to provide us with  
16 their authority by law to be a charitable  
17 organization, either some status through IRS or  
18 some other, you know, a not-for-profit charter  
19 through the State of Rhode Island or some other  
20 form of authority to, in fact, be participating.  
21 So my suggestion was authorized by law.

22 MR. COSTA: Okay.  
23 MR. PEARSON: That's perfect,  
24 Mr. Chairman.  
25 SUPERINTENDENT MORELLE: I'd like to

25

1 provide one other piece of input. The question  
2 was raised about the lines that the two bullets  
3 that relate to raffles, and I was directed to  
4 inquire or do some research about the State Police  
5 regulations that regulate gaming, and as a result  
6 of that, my suggestion is that the school  
7 committee may want to amend the bullet that says,  
8 all raffles will conform to state laws and school  
9 committee policies, so that it specifically says,  
10 "All raffles will conform to the regulations on  
11 the" -- something along the lines of the State  
12 Police charitable gaming unit, and Mr. Rotella  
13 could draft that language for you if you'd like.  
14 But it seems to me that's the comprehensive  
15 location where everyone has to go to get permits  
16 for the raffles, and if you go to that site, it's  
17 very specific with about requirements, fees, time  
18 lines, et cetera, and it would certainly be  
19 clearer than the language of state laws,  
20 Mr. Rotella, do you want to comment on that?

21                   MR. ROTELLA: Dr. Morelle, I think we  
22    did discuss that, and I suggested that we -- all  
23    of the raffles that are conducted conform with  
24    that -- the Rhode Island State Police regulations  
25    as they relate to raffles and/or gaming, and that

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1    way we are -- they have their own process, they  
2    set out the rules and regulations as to what you  
3    can and cannot do. They, in fact, also require  
4    the -- have reporting requirements that must be  
5    met in order to meet the requirements of their  
6    regulations, and I think that's, you know, that's  
7    a much cleaner way than just quoting state laws.

8                   MR. COSTA: And that commences the  
9    changes in the policy?

10                  SUPERINTENDENT MORELLE: Yes. My  
11    only last comment is that between now and the  
12    second reading, I'd like to provide the committee  
13    members with a copy of the State Police  
14    regulations on raffles for you to read and then  
15    consult with Mr. Rotella on the interpretation.  
16    The interpretation may make the bullet about  
17    students a moot point because there is -- there  
18    are age requirements listed in terms of  
19    participation in raffles, and that issue also came

20 up last night. So, that way if the entire  
21 committee is informed of those regulations, you  
22 can apply the most appropriate interpretation to  
23 the language.

24 MR. COSTA: And then, Mr. Rotella,  
25 once this policy is passed, we can attach that

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1 state law?

2 MR. ROTELLA: Yes.

3 MR. COSTA: Right to the policy  
4 itself?

5 MR. ROTELLA: Exactly.

6 MR. COSTA: Mr. Pearson?

7 MR. PEARSON: I still have one  
8 concern, on the fourth bullet up on the first  
9 page, no prizes or incentives shall be offered to  
10 increase competition among students. I know we  
11 discussed that. Did we look into that any  
12 further? I'm kind of curious as to that.

13 SUPERINTENDENT MORELLE: Can you  
14 tell me what your concern is?

15 MR. PEARSON: We had a discussion  
16 about -- regarding, for instance, the pennies for  
17 patients program. It runs as a fundraising event,  
18 as an incentive. The organization typically

19 offers a pizza party for the top-raising party,  
20 that happens at, I believe, both the middle and  
21 secondary level. That's just one type --

22 SUPERINTENDENT MORELLE: I know the  
23 language itself comes from a disbarment, so to  
24 speak, and Mr. Rotella, is it not Title 16?

25 MR. ROTELLA: Yes.

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1 SUPERINTENDENT MORELLE: Do you want  
2 to speak to that?

3 MR. ROTELLA: We can pull that  
4 language before the second reading. I believe  
5 Title 16 does prohibit any type of competitive  
6 or -- I'm sorry, of prizes or incentives for  
7 students, in the sense that students,  
8 individually, would be competitive in that way. I  
9 think this is more akin to a reward system for  
10 doing a good job and, again, I will pull that  
11 particular section and review it with Dr. Morelle  
12 and any of the school committee members prior to  
13 the next reading on these.

14 MR. PEARSON: Thank you, Mr. Rotella.  
15 Thank you, Dr. Morelle.

16 MR. COSTA: Mr. Kelly?

17 MR. KELLY: Just a clarification. I

18 think in some of these fundraisers, there are  
19 prizes based upon individual selling of the  
20 students. It's not based upon what other students  
21 sell. So, this language here, that doesn't cover  
22 that, it doesn't preclude that because it's  
23 talking about competition among students. If two  
24 students sell the same amount and they're in a  
25 fundraiser, you sell X amount of dollars you get a

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1 water cooler or whatever it is, both students  
2 would get that.

3 MR. ROTELLA: Right.

4 MR. KELLY: It's not one prize and  
5 both of those people are buying -- I don't think a  
6 fundraiser form in that manner would need to be  
7 covered by this language in the policy.

8 MR. ROTELLA: I totally agree with  
9 you. I think that's the whole point I was trying  
10 to make. It wasn't -- this isn't something where,  
11 you know, one student is going to beat out another  
12 student and get the top prize. This is incentive  
13 levels that are placed out there for groups or  
14 students to reach and, basically, receive a reward  
15 as a result of that for their class or for the  
16 people they're raising the funds for. So I mean,

17 it seems to me that, I will clarify that, though,  
18 see if, in fact, we can get clearer language so  
19 that there could be no misinterpretation.

20 MR. KELLY: Thank you.

21 MR. COSTA: Are you all set?

22 MR. KELLY: All set.

23 MR. COSTA: That concludes the first  
24 reading of the -- does anybody from the public  
25 wish to speak on the policy?

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1 MS. COLWELL: I'm going to pass.

2 MR. COSTA: The next policy is the  
3 managing mental health emergency and serious  
4 behavior problems.

5 MR. PEARSON: We're going to table  
6 that one, it's still in the revision stage in  
7 connection with Mrs. Colwell's office. You're  
8 going to table that?

9 MS. COLWELL: Yes.

10 MR. COSTA: The next is the special  
11 education staffing policy, I thought we already  
12 had that.

13 MR. ROTELLA: We did. Mr. Chairman,  
14 we already did have it. It should be placed on  
15 the next agenda for second reading and approval.

16 MR. COSTA: Okay. So, to full  
17 committee on the 14th?

18 MR. ROTELLA: Yes.

19 MR. COSTA: For second reading.  
20 Second reading and approval at the May 14th  
21 meeting. The next is the use of school facilities  
22 policy.

23 MR. ROTELLA: Again, as with the  
24 other policy we read this evening, this policy is  
25 a revision of the present policy that's in place.

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1 I believe Dr. Morelle has any changes that  
2 occurred in this policy.

3 SUPERINTENDENT MORELLE: Mr. Costa,  
4 this policy was approved on a two/zero vote at the  
5 subcommittee meeting on April 27th, subject to  
6 certain questions that were asked and my ability  
7 to provide answers to those questions. I believe  
8 the specific motion was approved subject to Dr.  
9 Morelle providing answers. Hopefully, I can offer  
10 those answers to you tonight and also indicate the  
11 changes to the policy. So if I begin on Page 1,  
12 under eligibility organizations, B, Special  
13 Instruction, Line 2, Upon the approval of the  
14 board, has been amended to say, "Upon the approval

15 of the superintendent/designee."

16 Page 2, there are no changes. Page 3, which  
17 is -- and 4, which are the frequency asked  
18 questions. We were asked to identify if PTOs need  
19 to provide a certificate of insurance or if we  
20 could write a question about that, and I was  
21 bringing this to the attention of my secretary  
22 today, and she reminded me that we raised this  
23 question with the trust the last time this policy  
24 was revised, and we asked the trust, which is our  
25 insurer, the question as to whether or not PTOs

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1 needed to provide a separate certificate of  
2 insurance. However, at this point, my office is  
3 not of one mind as to what their answer was.  
4 We're going to call them again, and based on the  
5 answer that our insurer provides to us, we will  
6 write Q and A for this, and Mr. Wood I think that  
7 would respond to an issue that you brought up last  
8 evening, it certainly will provide clarification.

9 Page 5 of this policy, there is a change.

10 MR. KELLY: There was a question  
11 raised about appeal. Did we decide to --

12 SUPERINTENDENT MORELLE: I'll bring  
13 that up at the end. I spoke to that issue with

14 Mr. Rotella, if we could just hold that until  
15 last.

16 MR. WOOD: I didn't know if you put  
17 it under the Q and A.

18 SUPERINTENDENT MORELLE: Based on  
19 the answer Mr. Rotella gave, it won't be a moot  
20 point. Page 5 of 6, the page titled, "What is a  
21 TULIP policy, and why do I need one." Beginning  
22 with the section in bold, "The process for  
23 obtaining a TULIP policy is simple." That section  
24 has been amended and is new in its entirety. It  
25 now says, "The TULIP program is autonomous,

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1 coverage can be quoted and purchased online  
2 directly to you. Here's how it works, log on to  
3 the website, [www.ebi-ins.com/tulip](http://www.ebi-ins.com/tulip).

4 Step one, enter our ID code, ID code is 0501  
5 A6R. Then press enter.

6 Step 2, follow the steps listed on the pages.  
7 Once you have entered "average daily attendance,"  
8 you can obtain a quick price quote by clicking on  
9 the, "Get your premium now with Quick Quote."

10 Step 3

11 (a) If you would like to proceed and  
12 purchase the coverage, please complete the

13 requested, "Contact and credit card information,"  
14 sections, and your coverage is automatically  
15 bound.

16 (b) A "Certificate of Insurance" is issued  
17 and sent via E-mail in your name or organization's  
18 name to both of us for our records.

19 Please see the attached sheet for additional  
20 information.

21 If you turn over on the back, there is a full  
22 sheet provided by the trust that describes the  
23 TULIP policy. TULIP standing for Tenant Users'  
24 Liability Insurance Policy. I guess we need  
25 advice on whether we need to read that whole page

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1 or we can just reference it.

2 MR. ROTELLA: I would think you can  
3 just reference it.

4 MR. KELLY: Reference it.

5 SUPERINTENDENT MORELLE: On Page 6,  
6 there is one change to the facilities. The  
7 custodian only fee is amended to \$30.35 per hour.

8 MR. COSTA: That's based on the  
9 current contract?

10 SUPERINTENDENT MORELLE: Based on  
11 the contract of the unit, correct. And I had been

12 asked whether or not we could provide information  
13 for the policy that would clarify for families  
14 where they needed to go in order to seek approval  
15 by the fire department and police department. So  
16 today my office, or my secretary, give her the  
17 credit, contacted the fire districts and we've  
18 been able to clarify that the Ashton School is in  
19 the Cumberland Fire District. B.F. Norton, Garvin  
20 Memorial and Joseph L. McCourt Middle School are  
21 in the Valley Falls School District. Community  
22 School and the North Cumberland Middle School are  
23 in the North Cumberland Fire District. John J.  
24 McLaughlin, Cumberland Hill Elementary and  
25 Cumberland High School are in the Cumberland Hill

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1 Fire District. And I have submitted to the  
2 transcriptionist the information that we will  
3 convert into a question and answer for the policy.  
4 It will then provide the address, contact person,  
5 business phone number and the preferred hours that  
6 the fire district would like folks to contact  
7 them, and then we have also added the address of  
8 the police station, a contact and business phone  
9 with clarification that all schools refer,  
10 obviously, to the single police station that we

11 have in town.

12 MR. COSTA: Dr. Morelle, under the  
13 police department, is there a certain department  
14 that's going to be handling, or you have no idea?

15 SUPERINTENDENT MORELLE: It's not  
16 indicated so at the time. It's my understanding  
17 they go to the dispatcher, but again, I will have  
18 the office clarify that to the best of our  
19 ability.

20 MR. COSTA: Will the chief say we  
21 have a request to use the facilities, who do we  
22 call, what department?

23 SUPERINTENDENT MORELLE: I will get  
24 that information to the best of my ability.

25 MR. COSTA: Okay. Thank you.

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1 SUPERINTENDENT MORELLE: I believe,  
2 other than the question that Mr. Kelly just  
3 raised, and the last question that I understand we  
4 have about this policy is whether or not it's  
5 appropriate to add a section about appeals. I  
6 spoke to Mr. Rotella about that as to whether or  
7 not this policy should stand out from all of the  
8 other school committee policies and have language  
9 about appeals. I would want Mr. Rotella to

10 comment or indicate what your answer was today.

11 MR. ROTELLA: I believe that this  
12 policy, along with all the other policies, are  
13 covered by Title 16 that say, any time there is a  
14 difference of opinion between the person who makes  
15 an application and/or, or a person who requests  
16 something from a school department, they have a  
17 right to appeal. That's state law. It's rather  
18 clear it's in Title 16, and it says that the  
19 process begins with the superintendent, goes to  
20 the school committee, then goes to the Department  
21 of Education, and if there is no resolution at  
22 that point in time, it will move forward to the  
23 Board of Regents and eventually to the courts.

24 So, I mean, if you -- I don't see any reason  
25 why this policy, along with any other policy

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1 should have -- be singled out for notice of that  
2 type; however, that's at the pleasure of the  
3 committee.

4 As I said to Dr. Morelle, the appeal process  
5 is always available to anyone aggrieved by any  
6 decision of the school department or the school  
7 board under Title 16.

8 MR. COSTA: Any public comments on

9 the use of school facilities policy?

10 (PAUSE)

11 MR. COSTA: The only thing, Dr.  
12 Morelle, in our packets for the 14th of May, we'll  
13 get all these policies in a PDF file? This is the  
14 first time I've seen this.

15 SUPERINTENDENT MORELLE: My  
16 apologies. I wrote some of them --

17 MR. COSTA: Any other comments from  
18 the school committee?

19 (PAUSE)

20 MR. COSTA: Motion to adjourn.

21 MR. PEARSON: So moved.

22 MR. COSTA: Motion by Mr. Pearson.

23 MR. KELLY: Second.

24 MR. WOOD: Second.

25 MR. COSTA: Seconded by Mr. Kelly and

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1 Mr. Wood. All in favor.

2 (VOICE VOTE)

3 MR. COSTA: Ayes have it,  
4 four/nothing. Thank you.

5 (HEARING CLOSED AT 7:22 P.M.)

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1 C-E-R-T-I-F-I-C-A-T-E

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I, LINDA L. GUGLIELMO, do hereby certify that  
3 the above is a true, accurate and complete  
transcript of my notes taken at the time of the  
4 above entitled hearing.

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**IN WITNESS WHEREOF, I have hereunto set my hand  
this 4th day of May 2009.**

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**LINDA L. GUGLIELMO, NOTARY PUBLIC/RPR-RMR**

**(MY COMMISSION EXPIRES AUGUST 13, 2009)**

**IN RE: CUMBERLAND SCHOOL COMMITTEE HEARING  
DATE: APRIL 29, 2009**